



BP0003-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No: 10/017,445 Confirmation No.: 6377

Date Filed: December 14, 2001

Application Title: Methods For Determining Organisms Not Requiring The Separation Of Fixative Or Excess Probe

Applicants: Rigby et al.

Group Art Unit: 1634

Examiner: Sally A. Sakelaris

Action Date: March 25, 2003

Action Type: First Office Action On Merits – Non-FINAL

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37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of July, 2003.


Brian D. Gildea
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Reply To Office Action

Commissioner for Patents

Dear Sir or Madam:

A petition under 37 C.F.R. § 1.136(a) for an automatic one-month extension of time to reply to the present office action has been included with the papers accompanying this submission so please consider the following response to the Office Action mailed on March 25, 2003.

I. ACTION SUMMARY

Claims 1-21 stand pending in the application. Claims 1, 2, 3, 4, 9, 10, 11, 12, 14, 16 and 18 stand rejected under 35 U.S.C. §102(b), second paragraph as being anticipated by Yurov et al. (Human Genetics (1996)). Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yurov et al. (Human Genetics (1996)) in view of Drobniwski et al. (Journal of Clinical Microbiology, Jan. 2000). Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yurov et al. (Human Genetics (1996)) in view of Braissant et al. (Biochemica, 1998). Claims 2, 4, 8 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yurov et al. (Human Genetics (1996)) in view of Bresser et al. (US 5,225,326). Claims 13, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yurov et al. (Human Genetics (1996)) in view of Ortiz et al. (Molecular and Cellular Probes, 1998). Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yurov et al. (Human Genetics (1996)) in view of Iris et al. (US 6,403,309). Claims 11, 12 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yurov et al. (Human Genetics (1996)) in view of Hyldig-Nielsen (US 2001/0010910). Claims 3 and 21 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. No claim stands allowed.

II. FORMAL MATTERS

The Examiner is thank for her return of the PTO-Form 1449 for the documents submitted on March 14, 2002 and March 10, 2003.